REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 16-30 have been rejected.

Claims 16, 19-20, and 27-30 have been amended.

Claims 21-26 have been cancelled.

Claims 17 and 18 are kept unchanged.

New claim 31 has been filed.

Claims 16-20 and 27-31 are pending in the application.

New claim 31 refers to the limitations of the herbicide salt and finds basis on claim 2 as initially filed and on page 2 lines 30-32 of the specifcation.

Objected claim 16 has been amended and the term "type" has been deleted and has been replaced with class as suggested by the Examiner..

Claims 16-30 are rejected under 35 U.S.C. 103(a), as being unpatentable over the combined teachings of Chen et al., US 5,341,932, Hasebe et al. (US 5,863,863), and Sato et al. (US 5,998,332).

The instant claimed invention provides new herbicide formulations that show a high efficacy, while being stable, and avoiding drawbacks of standards commercial formulations based on alkoxylated amine.

The formulation comprise a betaine surfactant. This surfactant surprisingly makes it possible, when associated with a partner, to obtain an efficacy a least equal to the one

obtained with an equivalent amount of alkoxylated amine (which is a commercial standard reference). The invention also makes it possible to reduce the amount of amine being used, said amine being partially or completely substituted by at least another surfactant, and thus, address toxicity matters. This effect of betaines was utterly unexpected.

This is documented by example 1. The formulation of example 1, having a betaine, an ester phosphate, and an éthoxylated amine, has the same efficacy than a comparative composition ethoxylated amine (page 6 lines 18-20).

Additional experiments show that a formulation according to the instant claims with glycoside surfactants provides the unexpected effect (Efficacy Score as average on several weeds).

Formulation according to the invention:

- glyphosate isopropylamine salt (as acid equivalent): 450 g/L
- Alkylbetaine 60 g/L
- Alkyl polygucoside (additive iv) 60 g/L

Efficacy Score: 97

Comparative Formulation:

- glyphosate isopropylamine salt (as acid equivalent): 450 g/L
- Tallow amine ethoxylate (additive i alone) 120 g/L

Efficacy Score: 97

Chen describes the packaging of herbicidal formulations in water soluble bags, as liquid or gelled formulations. Although Chen lists some compounds that can be

present in the formulations, Chen does not provide with specific formulations and improvement as above set forth. Chen is indeed not relevant. The one skilled in the art would have no motivation to pick and associate some very particular compounds within those listed by Chen.

Hasebe describes liquid herbicidal enhancers, to be associated with a herbicide, for example glyphosate. According to Hasebe's teaching, the efficacy of some nitrogen-containing surfactants is enhanced by adding oxalic acid compounds. Hasebe lists many nitrogen containing surfactants, including quaternized amines (column 3, lines 42-50), quaternized alkoxylated amines (column 3, lines 50-57), betaines (column 3, lines 58-62), amine-oxides (from column 3, line 63 to column 4, line 10), tertiary amines (column 3, line 23-26). Hasebe teach that the formulations can further comprise surfactants (column 2. line 39), some being listed from column 4. line 33 to column.5 line 8. Hasebe is mute about glycoside surfactants. In the examples several nitrogen-containing surfactants are tested, associated with oxalic acid compounds. Betaines are not tested. Hasebe does not give any motivation for electing the betaine to be used in the formulation. It was not obvious to try these compounds, even if they were mentioned in the list. The betaines are persent in a long list of compounds, without any criteria for election of some of them. Meanwhile, the one skilled in the art willing to improve the efficacy by removing at least partly alkoxylated amines would, according to Hasebe, replace same with oxalic acid compounds. Thus, Hasebe teaches away from trying alternative surfactants. Moreover to retrieve the invention from Hasebe's teaching, the one skilled in the art would have first to try and elect the betaine

among a long list of compounds, overcome Hasebe's teaching from adding the oxalic acid compounds, and further add the glycoside surfactant for some reason. The one skilled in the art could not reasonably conceive that such a formulation could provide the good results and effect, without insight.

Sato ammonium (NH_4^+) glyphosate compositions comprise an amount of a "suitable" surfactant. Sato lists many surfactants that can be considered as suitable, from column 8 line 5 to column.10 line 65. The list includes betaines, glycosides, and many other surfactants. Sato focuses on some special advantage to operate the ammonium salt at some pH range; Sato does not focus on the surfactant. Indeed it is Sato's teaching that any surfactant can be used: col. 8 lines 30-30 "Those skilled in the art will recognize that other surfactants not included above may be equally useful". Thus, there is no motivation in Sato's teaching to motivate the election of betaine and/or glycoside surfactants. Sato does not describe nor suggest the combination of the betaine and a glycoside surfactant partner. To retrieve such an association, the one skilled in the art would have to isolate one association form hundreds or thousands of possible combinations. The one skilled in the art could not reasonably conceive that the particular combination of the instant claims would lead to the good results and effect, without insight. Sato does not actually suggest the unexpected effect provided by the invention, and does not motivate the choice of one of the claimed. Therefore, the invention was not obvious for the one skilled in the art.

Applicant also submits that new claim 31 does not encompass ammonium glyphosate salt making it outside Sato's teachings.

For these reasons Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 16-30 under 35 U.S.C. 103(a), as being unpatentable over the combined teachings of Chen et al., US 5,341,932, Hasebe et al. (US 5,863,863), and Sato et al. (US 5,998,332).

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

Respectfully submitted,

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By _____

Rhodia Inc.-Legal Department
8 CEDAR BROOK DRIVE
CN 7500, CRANBURY, NJ 08512-7500

Jean-Louis SEUGNET
Reg. No. L0088
Tel : (609) 860-4180
Fax: (609) 860-5455